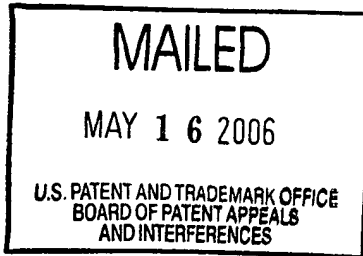


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VICTOR I. DEONARINE

Application 09/683,353

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on May 8, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

As stated in the second Order Returning Undocketed Appeal to Examiner mailed March 10, 2006:

It should be noted that the February 11, 2003 Amendment of claims 8 and 11 read as follows:

8. (Once Amended) The dual temperature indicator stick of claim 1 wherein the connector is configured to snap fit the first and second indicator stick housings to the connector.

13. (Once Amended) The dual temperature indicator stick holder of claim 11 wherein the first and second housing elements each has a groove on an outer surface to engage an end of a clamp that surrounds a portion of the circumference of the housing elements and prevents rotation of the first and second housing elements.

However, while the Amendment filed April 18, 2003 notes that claims 8 and 13 were "previously amended," they do not reflect the addition of the language contained in the February 11, 2003 amendment.

The Office communication mailed April 12, 2006 stated:

Claims 8 and 13 of the amendment filed 2/11/03 were replaced with claims 8 and 13 of the amendment filed 4/18/03. As indicated by the Applicant during a telephone conversation on 3/31/06, claims 8 and 13 of the amendment filed 4/18/03 intended to delete the language introduced in claims 8 and 13 of the amendment filed 2/11/03. Accordingly, the listing of claims in the Appendix to the Appeal Brief (and revised Appendix submitted with the Reply Brief filed 5/17/05) is correct and does not differ from the last amended version.

It should be noted that while the Amendment filed February 11, 2003 stated that claims 8 and 13 were "once amended," the Amendment filed April 18, 2003 listed claims 8 and 13 as "previously amended" (not "Currently Amended" as in claim 1, or "New" as in claims 21-24). Hence, it appears that

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claims 8 and 13 have not been amended since the February 11, 2003 amendment.

It should also be noted that the Examiner states that telephone conversations were held with the applicant on September 28, 2005 (see Office communication mailed October 3, 2005) and March 31, 2006 (see Office communication mailed April 12, 2006), yet no record of these telephone conversations appears in the Image File Wrapper (IFW).

Accordingly, it is

ORDERED that the application is returned to the Examiner:


1. for notification to appellant to submit a corrected Appendix to the existing defective Appendix or for the examiner to submit a revised Examiner's Answer which contains a correct copy of claims 8 and 13;

2. for furnishing copies of the Telephone Interview Summaries held on September 28, 2005 and March 31, 2006 and having them scanned into the IFW; and

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3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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